1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11   CORRY WHITEMAN,   No. 2:24-cv-00166 AC P

12   Plaintiff,

13   v.   ORDER AND FINDINGS &
                                              RECOMMENDATIONS
14   SHASTA COUNTY JAIL,

15   Defendant.

16

17   By order filed April 5, 2024, the first amended complaint was screened and found to not

18   state a claim for relief. ECF No. 12. Plaintiff was given thirty days to file an amended complaint

19   and cautioned that failure to do so would result in a recommendation that this action be dismissed.

20   Id. at 6-7. After plaintiff failed to file an amended complaint, he was given an additional twenty-

21   one days to amend the complaint and warned that failure to do so would result in a

22   recommendation that this action be dismissed without further warning. ECF No. 13. Twenty-one

23   days have now passed, and plaintiff has not filed a second amended complaint or otherwise

24   responded to the court's order.

25   Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly

26   assign a United States District Judge to this action.

27   ///

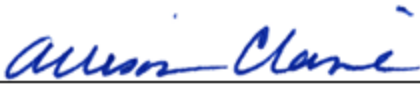28   ///

                                                  1

1   IT IS FURTHER RECOMMENDED that the first amended complaint be dismissed for

2 failure to state a claim for the reasons set forth in the April 5, 2024 Screening Order (ECF No.

3 12). See L.R. 110; Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915A.

4   These findings and recommendations are submitted to the United States District Judge

5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

6 after being served with these findings and recommendations, plaintiff may file written objections

7 with the court and serve a copy on all parties. Such a document should be captioned "Objections

8 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file

9 objections within the specified time may waive the right to appeal the District Court's order.

10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: July 9, 2024.

12

13   _____

14   ALLISON CLAIRE
     UNITED STATES MAGISTRATE JUDGE

15

16

17

18

19

20

21

22

23

24

25

26

27

28

                                            2